IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Billy KEEFER et al.	CONFIRMATION NO.:	8442
SERIAL NUMBER :	10/759,705	EXAMINER:	Karen C. Tang
FILING DATE :	January 15, 2004	ART UNIT:	2151
FOR :	SYSTEM AND METHOD FOR AGENT-BASED MONITORING OF NETWORK DEVICES		

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Notification of Non-Compliant Appeal Brief mailed **January 7, 2008**, and pursuant to MPEP § 1205.03 and 37 C.F.R. § 41.37(c)(1)(v), Appellants hereby provide:

Summary of Claimed Subject Matter beginning on page **2** of this paper; and

Remarks beginning on page **5** of this paper.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 019287-0319645**).

V. Summary of Claimed Subject Matter

The following exemplary citations to the Specification and/or drawing figures are not exclusive, as other examples of support for claimed subject matter exist. As such, the following citations should not be viewed as limiting.

Independent Claims 1 and 25

In an exemplary implementation of the invention, as illustrated in Figure 1, a method may include using one or more agents 110 to monitor network devices 126 in an enterprise network 112 (e.g., Specification at 5, lines 1-17). One of the network devices 126 may therefore be selected for monitoring from the from the enterprise network 112 (e.g., Specification at 10, lines 7-8). For example, as recited in claim 25, the selected network device 126 may include a switch 118 (e.g., Specification at 7, lines 7-11).

Furthermore, each network device 126 may have various characteristics associated therewith (e.g., Specification at 5, lines 21-25). A monitoring system 113 may therefore be employed to monitor hardware characteristics of the selected network device 126 (e.g., Specification at 6, lines 7-25). For example, one of a plurality of agent templates 136 may be selected to monitor the hardware characteristics of the selected network device 126 (e.g., Specification at 10, lines 8-11).

The agent template 136 may be selected based on one or more of the characteristics of the selected network device 126 (e.g., Specification at 7, line 29 – 8, line 4). In particular, the agent template 136 may include a hierarchy of object classes 138 (e.g., Specification at 8, lines 14-19). Each object class in the hierarchy 138 corresponds to a possible combination of the characteristics of the selected network device 126 (e.g., Specification at 8, lines 15-19).

Accordingly, an agent object 110 may be instantiated (e.g., Specification at 8, lines 20-22). Specifically, the agent object 100 may be instantiated from the object class of the agent template 136 that corresponds to the characteristics of the selected network device 126 (e.g., Specification at 11, line 12 – 12, line 14). As a result, the instantiated agent object 110 may be used to monitor the hardware characteristics of the network device 126 (e.g., Specification at 10, lines 14-25).

Independent Claim 9

In an exemplary implementation of the invention, as illustrated in Figure 1, software including executable instructions 132 may be stored on a machine-readable medium 120 (e.g., Specification at 6, lines 7-25; Figure 1, elements 113, 114, 120, 128, 132, etc.). For example, the instructions may be operable to select one of the network devices 126 from the from the enterprise network 112 (e.g., Specification at 10, lines 7-8).

Furthermore, each network device 126 may have various characteristics associated therewith (e.g., Specification at 5, lines 21-25). The instructions may therefore cause a monitoring system 113 to monitor hardware characteristics of the selected network device 126 (e.g., Specification at 6, lines 7-25). For example, one of a plurality of agent templates 136 may be selected to monitor the hardware characteristics of the selected network device 126 (e.g., Specification at 10, lines 8-11).

The agent template 136 may be selected based on one or more of the characteristics of the selected network device 126 (e.g., Specification at 7, line 29 – 8, line 4). In particular, the agent template 136 includes a hierarchy of object classes 138 (e.g., Specification at 8, lines 14-19). Each object class in the hierarchy 138 corresponds to a possible combination of the characteristics of the selected network device 126 (e.g., Specification at 8, lines 15-19).

Accordingly, an agent object 110 may be instantiated (e.g., Specification at 8, lines 20-22). Specifically, the agent object 100 may be instantiated from the object class of the agent template 136 that corresponds to the characteristics of the selected network device 126 (e.g., Specification at 11, line 12 – 12, line 14). As a result, the instantiated agent object 110 may be used to monitor the hardware characteristics of the network device 126 (e.g., Specification at 10, lines 14-25).

Independent Claim 17

In an exemplary implementation of the invention, as illustrated in Figure 1, a system 113 may use one or more agents 110 to monitor network devices 126 in an enterprise network 112 (e.g., Specification at 5, lines 1-17). For example, the system 113 may include a memory

120 operable to store information 110, 134, 137 associated with a plurality of network devices 126 in the enterprise network 112 (e.g., Specification at 6, line 7 – 7, line 28).

Furthermore, the information stored in the memory 120 may include various characteristics associated with each network device 126 (e.g., Specification at 5, lines 21-25). The system 113 may therefore select one of the network devices 126 from the from the enterprise network 112 (e.g., Specification at 10, lines 7-8). For example, one of a plurality of agent templates 136 may be selected to monitor the hardware characteristics of the selected network device 126 (e.g., Specification at 10, lines 8-11).

The agent template 136 may be selected based on one or more of the characteristics of the selected network device 126 (e.g., Specification at 7, line 29 – 8, line 4). In particular, the agent template 136 includes a hierarchy of object classes 138 (e.g., Specification at 8, lines 14-19). Each object class in the hierarchy 138 corresponds to a possible combination of the characteristics of the selected network device 126 (e.g., Specification at 8, lines 15-19).

Accordingly, an agent object 110 may be instantiated (e.g., Specification at 8, lines 20-22). Specifically, the agent object 100 may be instantiated from the object class of the agent template 136 that corresponds to the characteristics of the selected network device 126 (e.g., Specification at 11, line 12 – 12, line 14). As a result, the instantiated agent object 110 may be used to monitor the hardware characteristics of the network device 126 (e.g., Specification at 10, lines 14-25).

REMARKS

It is respectfully submitted that the Summary of Claimed Subject Matter provided above meets the requirements of 37 C.F.R. § 41.37(c)(1)(v), and as such, the Appeal Brief meets all of the requirements of 37 C.F.R. § 41.37. Prompt and favorable treatment on the merits is therefore respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **March 5, 2008**

Respectfully submitted,

By: _____

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